

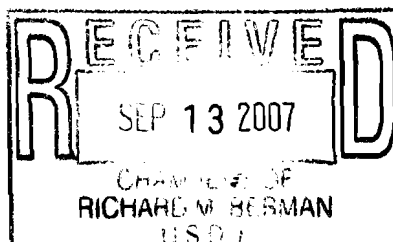
**UNITE HERE** Fund Administrators

An Affiliate of Amalgamated Life

September 13, 2007

**MEMO ENDORSED**

UNITE HERE Fund Administrators, Inc.

730 Broadway  
New York, NY 10003-9511  
212-539-5000  
fax: 212-387-0710**BY HAND**Honorable Richard M. Berman  
United States District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007Re: Trustees of the UNITE HERE National Health Fund, et al.  
- v. - Ruffolo Bros., Inc. - 07 Civ. 6967 (RMB)

Dear Judge Berman:

We represent the plaintiffs in the above-referenced action to collect delinquent contributions pursuant to Section 515 of ERISA. For the following reasons, we are writing to respectfully request an adjournment of the initial pretrial conference currently scheduled in the action for September 14, 2007 at 10:00 A.M. This is the first such adjournment request. Plaintiffs make this request for the following reasons.

The action was commenced on August 3, 2007, and the summons and complaint was served on defendant on August 10, 2007. To date, defendant has not filed an answer, moved or otherwise responded to the summons and complaint. On September 12, 2007 the Clerk of the Court issued a Clerk's Certificate of default as to defendant. (Copy enclosed).

Plaintiffs anticipate filing an Order to Show Cause for Default Judgment with the Court during the next two weeks.

Given that Defendant has failed to file an answer, move or otherwise respond, and that the Clerk of the Court has issued a Certificate of Default, and in the interests of judicial economy, plaintiffs respectfully request that the Court adjourn the September 14 conference and permit plaintiffs time to file their application for a default judgment.

**THE CONFERENCE IS ADJOURNED**  
The Court's considerations are appreciated.

**UNTIL 10/1/07 AT 10:00 A.M.**

Respectfully submitted,

David C. Sapp (DS5781)

Enclosure

cc: Ruffolo Bros., Inc. (By Overnight Mail)

**SO ORDERED:**

Date: 9/13/07

**Richard M. Berman**  
Richard M. Berman, U.S.D.J.

USDC SDNY  
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ELECTRONICALLY FILED  
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